

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:15-CR-251-GMN-(CWH)
)
KRISTOPHER GERRY,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that defendant KRISTOPHER GERRY pled guilty to Count One of a One-Count Criminal Indictment charging him with Receipt or Distribution of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(2). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 33; Plea Agreement, ECF No. 35.

This Court finds defendant KRISTOPHER GERRY agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 33; Plea Agreement, ECF No. 35.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment and the offense to which defendant KRISTOPHER GERRY pled guilty.

The following assets are (1) any visual depiction described in Title 18, United States Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any

1 such visual depiction, which was produced, transported, mailed, shipped or received in violation of
2 Title 18, United States Code, Section 2252A(a)(2) and (2) any property, real or personal, used or
3 intended to be used to commit or to promote the commission of Title 18, United States Code, Section
4 2252A(a)(2) or any property traceable to such property, and are subject to forfeiture pursuant to Title
5 18, United States Code, Section 2253(a)(1) and (a)(3):

- 6 a. Dell Desktop Computer F40LG31;
- 7 b. HP Envy Laptop;
- 8 c. Toshiba Laptop Computer 79376964Q;
- 9 d. Toshiba Laptop 6D095500Q;
- 10 e. Toshiba Laptop 5B412086K;
- 11 f. Toshiba Laptop 86311899Q;
- 12 g. Western Digital (WD) My Passport External Hard Disk Drive (EXHDD) - USB
13 WX91A64;
- 14 h. WD EXHDD WXC1A74452RU;
- 15 i. WD EXHDD WXE1A81U9271;
- 16 j. WD EXHDD WXD1A51K7752;
- 17 k. Toshiba EXHDD 442zSFKXSTT1;
- 18 l. WD EXHDD WXE1AC0J9460;
- 19 m. WD EXDHH WXL1AAOY0866;
- 20 n. Toshiba EXHDD Z1BRTOJ4TQ11;
- 21 o. WD EXHDD WXB1C10F3854;
- 22 p. WD EXTERNAL USB HDD WXF1A72C8790;
- 23 q. WD EXHDD WXA1C42X2643;
- 24 r. WD EXHDD WX21E43FVU34;
- 25 s. WD EXHDD WX51C10C5992;
- 26 t. WD EXHDD WCANM9447474;

- 1 u. 47 CD/DVDs;
- 2 v. Samsung Galaxy 5 Smartphone;
- 3 w. Xbox 360 515709101505; and
- 4 x. Xbox 410759224505

5 (all of which constitutes property).

6 This Court finds the United States of America is now entitled to, and should, reduce the
7 aforementioned property to the possession of the United States of America.

8 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
9 United States of America should seize the aforementioned property.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
11 KRISTOPHER GERRY in the aforementioned property is forfeited and is vested in the United States
12 of America and shall be safely held by the United States of America until further order of the Court.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
14 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
15 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
16 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
17 name and contact information for the government attorney to be served with the petition, pursuant to
18 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
20 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
21 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
22 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
23 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
24 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
25 petition and the relief sought.

26 ///

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
2 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
3 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
4 after the first day of the publication on the official internet government forfeiture site,
5 www.forfeiture.gov.

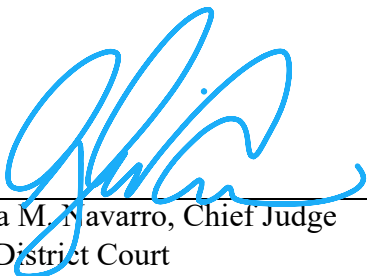
6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
7 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
8 following address at the time of filing:

9 Daniel D. Hollingsworth
10 Assistant United States Attorney
11 501 Las Vegas Boulevard South, Suite 1100
12 Las Vegas, Nevada 89101.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
14 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
15 following publication of notice of seizure and intent to administratively forfeit the above-described
16 property.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of
18 this Order to all counsel of record.

19 DATED this 11 day of May, 2016.

20
21 
22 _____
23 Gloria M. Navarro, Chief Judge
24 U.S. District Court
25
26